



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN - 7 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7018 2290 0000 4960 9489

The Honorable Noam Bramson
Mayor of the City of New Rochelle
515 North Avenue
New Rochelle, NY 10801

Re: **Information Request and Administrative Compliance Order**
Docket No. CWA-02-2019-3032
City of New Rochelle Municipal Separate Storm Sewer System ("MS4")
SPDES Permit No. NYR20A207

Dear Mr. Bramson:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the City of New Rochelle ("Respondent") is in violation of the Clean Water Act (33 U.S.C. § 1251 et seq.) ("CWA" or "Act") for its failure to comply with the terms and conditions of the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from MS4s. Enclosed is an Information Request and Administrative Compliance Order (together the "Order"), Docket No. CWA-02-2019-3032, issued pursuant to Sections 308 and 309 of the CWA, which details the findings.

Please acknowledge receipt of this Order by signing the acknowledgment page and returning the acknowledgment page by mail in the enclosed envelope. Failure to comply with the enclosed Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the CWA and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Inspection Report detailing EPA's findings from the March 27, 2019 Inspection of the Respondent's MS4.

If you have any questions regarding this Order, please contact Ms. Justine Modigliani, P.E., Chief, Clean Water Act Compliance Section, at (212) 637-4268.

Sincerely,

A handwritten signature in red ink, appearing to read "Dore LaPosta", is written over a horizontal line.

Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Ed Hampston P.E., Director, Bureau of Water Compliance Programs, NYSDDEC w/enclosure
Robert Elburn, Regional Water Engineer, NYSDDEC Region 2 w/enclosure
Natalie Brown, NYSDDEC Region 2 w/enclosure (natalie.browne@dec.ny.gov)
Scott Pickup, City of New Rochelle w/ enclosure (Scottp@manliusvillage.org)
Jim Moran, City of New Rochelle w/ enclosure (chriss@manliusvillage.org)
Prince Guerra, City of New Rochelle w/ Enclosure (pguerra@newrochelleny.com)

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of New Rochelle
515 North Avenue
New Rochelle, NY 10801

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**INFORMATION REQUEST AND
ADMINISTRATIVE COMPLIANCE ORDER**

CWA-02-2019-3032

The following Information Request and Administrative Compliance Order (together the “Order”) are issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA Region 2, and since further relegated to the Director, Enforcement and Compliance Assurance Division, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation (“NYSDEC”) is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). A State Pollutant Discharge Elimination System (“SPDES”) permit issued by the NYSDEC is required for the discharge of pollutants from point sources to navigable waters of the United States. The EPA maintains concurrent enforcement authority with authorized States for violations of the CWA and permits issued by authorized States thereunder.
3. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association or municipality.
4. “Municipality” is defined by Section 502(4) of the CWA, 33 U.S.C. § 1362(4), to include among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

5. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
7. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. "Navigable waters" are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as "waters of the United States, including the territorial seas." "Waters of the United States" have been further defined to include, inter alia, waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce (hereinafter "traditional navigable waters") and tributaries of such waters. 40 C.F.R. § 122.2.
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
11. Section 402(p) of the CWA, 33 U.S.C. § 1342(p) sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems ("MS4s").
12. Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), requires that NPDES permits for discharges from a MS4 shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers and shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.
13. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 setting forth the NPDES permit requirements for stormwater discharges, including the following:
 - a. 40 C.F.R. § 122.26(b)(8), defines an MS4 as a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law).....that discharges into waters of the United States; (ii) designed or used for collecting or conveying

stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works...”

- b. 40 C.F.R. §§ 122.26(a)(1)(iv) and 122.26(d) require the operator of a discharge from a medium MS4 to apply for a jurisdiction-wide or system-wide permit;
 - c. 40 C.F.R. § 122.26(b)(7)(i) defines “medium municipal separate storm sewer system,” in part, as being located in an incorporated place with a population of 100,000 or more but less than 250,000;
 - d. 40 C.F.R. § 122.26(b)(16)(ii) defines “small municipal separate storm sewer system,” in part, as not defined as “large” or “medium” municipal separate storm sewer systems; and
 - e. 40 C.F.R. § 122.26(b)(3) defines “incorporated place,” in part, as a city, town, township, or village that is incorporated under the laws of the State in which it is located.
14. Pursuant to 40 C.F.R. § 122.32(a)(1), all small MS4s located in an “urbanized area” (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.
15. The terms “MS4 General Permit” or “Permit” mean the NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, as defined by the present general permit number, GP-0-15-003. The current MS4 General Permit, GP-0-15-003, became effective on May 1, 2015, expired on April 30, 2017, and has been administratively extended until the issuance of a final Permit renewal. GP-0-15-003 was preceded by previous versions of the MS4 General Permit, including GP-0-10-002, which became effective on May 1, 2010 and expired on April 30, 2015; GP-0-08-002, which became effective on May 1, 2008 and expired on April 30, 2010; and GP-0-02-02, which became effective on January 8, 2003, expired on January 8, 2008, and was administratively extended until the issuance of GP-0-08-002.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The City of New Rochelle (“Respondent” or the “City”) is a municipal corporation chartered under the laws of the State of New York, and as such, Respondent is a “person,” as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2, and is an “incorporated place,” as that term is defined in 40 C.F.R. § 122.26(b)(3).
2. Respondent owns and operates the MS4 located in New Rochelle, New York, and is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. Respondent’s MS4 is a small MS4 located in an urbanized area within the meaning of 40 C.F.R. § 122.26(b)(16)(ii) and 40 C.F.R. § 122.32(a)(1).
4. Respondent’s MS4 includes outfalls, including pipes and drainage ditches, which are “point sources” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14). Respondent’s MS4 discharges stormwater, which is a “pollutant” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to the Long Island Sound, which is a “water of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2. As such, Respondent discharges pollutants as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

5. Respondent submitted a Notice of Intent ("NOI") to NYSDEC in 2003 and subsequently received authorization under the MS4 General Permit pursuant to permit identification number NYR20A207. Respondent has been covered under the conditions and limitations in the MS4 General Permit at all relevant times addressed by this Order.
6. The MS4 General Permit authorizes Respondent to discharge pollutants from MS4 outfalls to waters of the United States, under the conditions and limitations prescribed in the Permit.
7. On March 27, 2019, EPA conducted an inspection of the Respondent's MS4 (the "Inspection").
8. Based on the Inspection findings, the EPA finds that the Respondent failed to comply with the CWA and the conditions and limitations of the MS4 General Permit, including but not limited to the following:
 - a. Part IV.A of the Permit states that all permittees under GP-0-10-002 must have prepared a Stormwater Management Program ("SWMP") Plan documenting modifications to their SWMP. Part X.B of the Permit states that documents to include in the SWMP Plan are procedures and materials for each Minimum Control Measure ("MCM"). At the time of the Inspection, the City's SWMP Plan did not include the following required elements, in violation of Part IV.A of the Permit:
 - i. An updated and maintained Outfall Map, in violation of Part VII.A.3.b.i. of the Permit.
 - ii. Written description of priority areas of concern for the Illicit Discharge Detection and Elimination ("IDDE") program, as required by Part VII.A.3.g of the Permit;
 - iii. An accurate inventory of permitted and active construction sites, as required by Part VII.A.4.a.xii of the Permit;
 - b. Part VII.A.3.d of the Permit requires that the Permittee conduct an Outfall Reconnaissance Inventory ("ORI"), as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the urbanized area and additionally designated area within the Permittee's jurisdiction at least once every five years, with reasonable progress each year. Upon request, Respondent was not able to provide ORI documentation of inspections performed within the last five (5) years. Therefore, Respondent violated Part VII.A.3.d of the Permit.
 - c. Part VII.A.6.a.i. requires that the Permittee addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. At the time of the Inspection, EPA observed an uncovered salt storage pile at the municipal yard located approximately ten feet away from a waterbody. No best management practices to prevent contamination of stormwater, or discharge of contaminated stormwater, were observed. Therefore, Respondent violated Part VII.A.6.a.viii of the Permit.
 - d. Part VII.A.6.a.ii of the Permit requires that the Permittee, at a minimum frequency of once every three years, perform and document a self-assessment of all municipal operations addressed by the SWMP to determine the sources of pollutants potentially generated by the covered entity's operations and facilities, and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. Upon request, Respondent was not able to provide documentation that the City

had performed any self-assessments of municipal operations within the past three (3) years. Therefore, Respondent violated Part VII.A.6.a.ii of the Permit.

- e. Part VII.A.6.a.viii of the Permit requires that municipal operations and facilities that would otherwise be subject to the NYS Multi-sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Upon review of the City's SWMP Plan, no provisions were outlined in regard to the City Marina, a municipal operation that would otherwise be subject to the NYS MSGP. Therefore, Respondent violated Part VII.A.6.a.viii of the Permit.

9. Based upon Paragraphs 1 - 8 above, EPA finds that Respondent is in violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. **Immediately upon receipt of this Order**, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgment page to the Chief, Water Compliance Branch, in the enclosed envelope to the address listed in paragraph E.1, below.
2. Respondent shall complete the following items in accordance with the schedule listed below:

COMPLIANCE SCHEDULE	
Item	Completion Deadline
a. Develop an accurate and complete inventory of active construction sites, including the location of the site and owner / operator contact information, in accordance with Part VII.A.4.a.xii of the Permit. Submit a copy of the inventory to EPA and NYSDEC.	On or before August 1, 2019
b. Update the outfall map to include and accurately depict all of Respondent's MS4 outfalls, in accordance with Part VII.A.3.b. of the Permit. Submit a copy of the updated outfall map to EPA and NYSDEC.	On or before August 1, 2019
c. Identify priority areas of concern for the IDDE program, in accordance with Part VII.A.3.g of the Permit. Submit a written description of identified priority areas of concern to EPA and the NYSDEC.	On or before August 1, 2019
d. Develop a program for conducting and documenting self-assessments of all municipal operations and facilities, as required by Part VII.A.6.a.ii of the Permit. Perform self-assessments of all municipal operations and facilities and submit documentation to EPA and NYSDEC.	On or before September 1, 2019
e. Conduct an ORI addressing all City outfalls at least once every five (5) years, with reasonable progress each year, in accordance with Part VII.A.3.d of the Permit. Submit ORI documentation to	On or before September 1, 2019

EPA and NYSDEC demonstrating that an ORI inspection has been conducted at each outfall.	
f. Implement a program to detect and address non-stormwater discharges to the small MS4 in accordance with current assistance and guidance documents from the State and EPA, as required by Part VII.A.3.g of the Permit. Submit documentation of sampling and/or trackdown investigations performed as a result of program implementation to EPA and NYSDEC.	On or before October 1, 2019
g. Prepare and implement provisions in the SWMP than comply with Parts III.A, C, D, J, K and L of the MSGP for the Municipal Marina.	On or before October 1, 2019
h. Revise and update the SWMP Plan in accordance with Parts IV.A and X.B of the Permit and incorporate required plans and procedures described in paragraphs B.8. of this Order. Submit a copy of the fully revised and updated SWMP Plan to EPA and NYSDEC. Upon EPA approval, the SWMP Plan shall be fully implemented, in accordance with Part IV.D of the Permit.	On or before December 1, 2019

D. INFORMATION REQUEST

Based upon the foregoing and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), **within 30 calendar days of receipt**, Respondent is required to submit the following to EPA and NYSDEC:

1. A written (and photographic, where appropriate) description of how Respondent has addressed, or plans to address, the **Areas of Concern** listed on **Page 4** of the enclosed Inspection Report.

E. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent to the following addresses:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

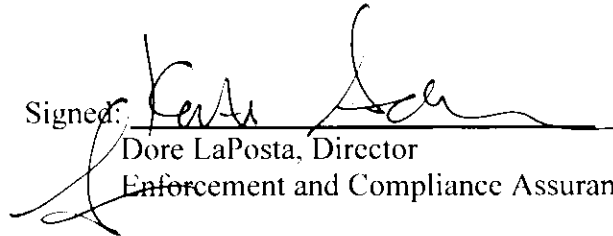
and

Ed Hampston, P.E, Director
Bureau of Water Compliance Programs
Division of Water, NYSDEC
625 Broadway
Albany, New York 12233-3506

Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.

8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
9. This Order shall become effective upon the date of execution by the Director. Enforcement and Compliance Assurance Division.

Dated: **JUN - 7 2019**

Signed: _____
Dore LaPosta, Director
Enforcement and Compliance Assurance Division

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. The Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866
(212) 637-4244

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701-706. Section 706 of the APA provides the grounds for such review.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$53,484.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above.
7. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$53,484.00 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that you have failed to comply with the terms of the

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of New Rochelle
515 North Avenue
New Rochelle, NY 10801

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**INFORMATION REQUEST AND
ADMINISTRATIVE COMPLIANCE ORDER**

CWA-02-2019-3032

**ACKNOWLEDGMENT OF RECEIPT OF
INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of the Respondent,

with the title of _____, do hereby acknowledge the receipt of

a copy of the INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER.

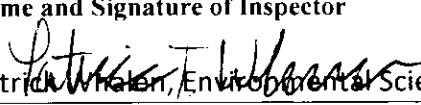
CWA-02-2019-3032.

DATE: _____

SIGNED: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2
Enforcement and Compliance Assurance Division
Water Compliance Branch

Clean Water Act (CWA) Inspection Report

Program: Municipal Separate Storm Sewer System	Inspection Type: Compliance Evaluation Inspection	
Permittee Name: City of New Rochelle	NPDES/ICIS No.: NYR20A207	
Inspection Entry Date: March 27, 2019 Inspection Entry Time: 11:55 AM	Inspection Exit Date: March 27, 2019 Inspection Exit Time: 2:00 PM	
Facility Inspected: City of New Rochelle City-wide		
Lat, Long: 40.929, -73.786 NAICS / SIC Code: N/A		
EPA Representative(s): Patrick Whalen, Environmental Scientist, USEPA Region 2, 212.637.4290, whalen.patrick@epa.gov		
State Representative(s): N/A		
On-Site Facility Representative(s): James Moran P.E., Deputy Commissioner/ City Engineer, New Rochelle Public Works, 914.654.2134, jmoran@newrochelleny.com Prince Guerra, Senior Engineering Technician, New Rochelle Public Works, 914.654.2206, pguerra@newrochelleny.com		
Responsible Official:		
Name and Signature of Inspector	Agency/Office/Phone Number	Date
 Patrick Whalen, Environmental Scientist	USEPA/ECAD/WCB/212.637.4290	5/30/2019
Name and Signature of Management QA Reviewer	Agency/Office/Phone Number	Date
 Justine Modigliani, P.E., Chief, CWA Compliance Section	USEPA/ECAD/WCB/212.637.4268	5/30/19

INTRODUCTION

On March 27, 2019, the United States Environmental Protection Agency ("EPA") conducted a Compliance Evaluation Inspection ("CEI" or "Inspection") of the City of New Rochelle Municipal Separate Storm Sewer System ("MS4") outfalls, located throughout the City of New Rochelle (the "Site" or "City"). The objective of this visit was to determine compliance with the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from MS4s (GP-0-15-003), as well as to assess progress with EPA Administrative Order CWA-02-2015-3034. The current Permit, GP-0-15-003, was issued on May 1, 2015. It was set to expire on April 30, 2017 but has been administratively extended. The City has coverage under Permit number NYR20A207. Upon arrival, EPA Inspector Patrick Whalen presented credentials to Mr. James Moran and Mr. Prince Guerra, and explained the scope and goals of the Inspection. Weather conditions at the time of the Inspection were approximately 45° F and sunny.

FINDINGS & OBSERVATIONS

The City of New Rochelle is approximately 13.25 square miles, with a population of approximately 77,000 according to the US Census Bureau. The City has a steep topography, with the majority of outfalls located in the southeast section of the City. These outfalls discharge to several waterbodies, which ultimately flow to the Long Island Sound.

EPA Inspector Patrick Whalen met City representatives at the New Rochelle Municipal Marina, where Outfall 27 is located. At the time of the Inspection, this outfall was flowing. Site representatives stated that the last rain even occurred on the evening of March 24, 2019. It was also stated that the topography of the City contributes to flows from factors like groundwater and snow melt. Results from the most recent sampling conducted by the City indicate that both total and fecal coliform levels from this outfall are significantly lower than the original samples collected. Sampling conducted on February 19, 2019 yielded fecal coliform levels of 20 MPS/100ml, and total coliform levels of 230 MPS/100ml compared to the original sampling results from 4/28/2008 through 3/18/2009 which yielded fecal coliform levels of 30,000 MNP/100 ml, and total coliform levels of 30,000 MNP/100 ml. EPA also observed a structure at the base of this outfall designed to filter out large debris from the stormwater discharging into the marina. This structure was observed to have a significant amount of sediment and debris accumulated in its base. Facility representatives stated that there was no maintenance plan for removing debris from the base of this outfall.

Next, EPA visited Outfall 16 located on Church Street. This outfall is an approximately three foot by three foot (3'x3') rectangular structure which discharges into Titus Mill Pond. Site representatives explained that this pond is tidally influenced, and that this makes it difficult to conduct sampling and dry weather flow monitoring, because the outfall is generally submerged. Upon observing the upstream catch basin, no flow was observed. Sampling conducted by the City at this outfall on February 19, 2019 yielded fecal coliform levels of 1,100 MPS/100ml, and total coliform levels of 3,300 MPS/100ml. Original sampling results from 4/28/2008 through 3/18/2009 yielded fecal coliform levels of 30,000 MNP/100 ml, and Total Coliform levels of 30,000 MNP/100 ml.

EPA then visited Outfall 4, located on Drake Avenue. At the time of the Inspection, water was flowing from this outfall. No signs of pollution were apparent however. Sampling conducted by the City at this outfall on February 19, 2019 yielded fecal coliform levels of 18 MPS/100ml, and total coliform levels of 18 MPS/100ml. Original sampling results from 4/28/2008 through 3/18/2009 yielded fecal coliform levels of 11,000 MNP/100 ml, and total coliform levels of 50,000 MNP/100 ml. Subsequent to the Inspection and upon review of the original sampling inspection, EPA noticed that there were two (2) outfalls in the area of Glen Island/Woodland Avenue. This raised the question of which outfall was the original outfall sampled.

Next, EPA inspected Outfall 24 located at Boston Post Road/Stephenson Blvd. This outfall is an approximately twelve (12') foot wide concrete structure which was submerged at the time of the Inspection. Site representatives stated that this outfall is tidally influenced, and always submerged. Sampling conducted by the City at this outfall on February 19, 2019 yielded fecal coliform levels of 7,900 MPS/100ml, and total coliform levels of 7,900 MPS/100ml. Original sampling results from 4/28/2008 through 3/18/2009 yielded fecal coliform levels of 900,000 MNP/100 ml, and total coliform levels of 1,600,000 MNP/100 ml. Although the most recent sample results for fecal coliform are significantly lower than the original sample results, they are still well above the NY Water Quality standards of 2,000 MPN/100ml. Upon inspecting the upstream catch basin, no flow was observed. EPA did however observe a significant amount of sediment and debris accumulated in this catch basin.

EPA then did a brief walkthrough of the municipal yard at 224 Main Street. At the time of the Inspection, EPA observed a large pile of mixed salt and sand being stored uncovered and outdoors. This pile was located approximately seven (7) feet from the bank of the bay. A significant amount of general garbage and debris was

observed in this area as well. EPA also observed an eighteen-inch (18") metal pipe into the bay along the east side of the yard. Site representatives were unsure of what this pipe was connected to.

Finally, EPA visited the catch basin located at 5th Ave. and Valley Place. City representatives explained that this catch basin is the last access point before the storm sewer leaves New Rochelle and enters a new municipality. This location was not identified as an outfall by the City. Sampling conducted by the City at this outfall on February 19, 2019 yielded fecal coliform levels of 230 MPS/100ml, and total coliform levels of 1,400 MPS/100ml. Original sampling results from 4/28/2008 through 3/18/2009 yielded fecal coliform levels of 23,000 MNP/100 ml, and total coliform levels of 80,000 MNP/100 ml.

POTENTIAL NONCOMPLAINT ITEMS

1. Part IV.A. of the Permit requires covered entities must develop (for newly authorized MS4s, implement), and enforce a SWMP designed to reduce the discharge of pollutants from small MS4s to the maximum extent practicable ("MEP") in order to protect water quality and to satisfy the appropriate water quality requirements of the ECL and the CWA. Part IV.F. of the Permit states that each covered entity is required to develop (for newly authorized MS4s) and implement a SWMP that satisfies the requirements for each of six required program components, known as minimum control measures (MCMs). The MCMs for traditional land use control MS4s are listed in Part VII. Part X.B. of the Permit defines a Stormwater Management Program, and Stormwater Management Program Plan.
 - a. Part VII.A.3.b.i. of the Permit requires the Permittee to develop and maintain a map showing the location of all outfalls and the names and location of all surface waters of the State that receive discharges from those outfalls. Part X.B of the Permit states that an outfall is defined as any point where a municipally owned and operated separate storm sewer system discharges to either surface waters of the State or to another MS4. Outfalls include discharges from pipes, ditches, swales, and other points of concentrated flow. Upon review of the SWMP, EPA noted that the City had not mapped the catch basin located at 5th Ave. and Valley Place as an outfall. According to City representatives, this is the last accessible point before the City MS4 discharges into the neighboring MS4.
 - b. Part VII.A.3.d. of the Permit requires that the Permittee conduct an outfall reconnaissance inventory, addressing every outfall at least once every five years, with reasonable progress each year. After the inspection, EPA requested the documents from the reconnaissance inventory. The City was not able to provide any documentation of outfall inspections other than sampling performed at the outfalls identified in EPA Administrative Order CWA-02-2015-3034.
 - c. Part VII.A.3.g. of the Permit requires that the Permittee develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4 in accordance with current assistance and guidance documents from the State and EPA. The program must include: procedures for identifying priority areas of concern for the IDDE program; description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (track down); procedures for eliminating illicit discharges; and procedures for documenting actions. Upon review of the City's SWMP Plan, these City-specific items were not detailed.
 - d. Part VII.A.3.i. of the Permit requires that the Permittee address the categories of non-stormwater discharges or flows listed in Part I.A.2 as necessary. Upon review of the City's SWMP Plan, it does not have a process for how the City will address exempt non-stormwater discharges. During the inspection, City representatives stated that they experience dry

weather flow at most outfalls. It was stated that the source of this flow was groundwater, however the City had no protocol or documentation for verifying this.

- e. Part VII.A.4.a.xii. of the Permit requires that the Permittee establish and maintain an inventory of active construction sites, including the location of the site, owner / operator contact information. Upon review of the SWMP Plan, this information was not present.
 - f. Part VII.A.6.a.ii. of the Permit requires that the Permittee at a minimum frequency of once every three years, perform and document a self-assessment of all municipal operations addressed by the SWMP to determine the sources of pollutants potentially generated by the covered entity's operations and facilities; and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it is not done already. Subsequent to the inspection, EPA requested the documentation from these inspections however they were not provided.
 - g. Part VII.A.6.a.viii of the Permit requires that municipal operations and facilities that would otherwise be subject to the NYS Multi-Sector General Permit (MSGP, GP-0-12-001) for industrial stormwater discharges to prepare and implement provisions in the SWMP that comply with Parts III. A, C, D, J, K and L of the MSGP. The covered entity must also perform monitoring and record keeping in accordance with Part IV. of the MSGP. Upon review of the City's SWMP Plan, no provisions were outlined in regard to the City Marina, a municipal operation that would otherwise be subject to the NYS MSGP.
2. Part VII.A.6.a.i. requires that the Permittee addresses municipal operations and facilities that contribute or potentially contribute POCs to the small MS4 system. At the time of the Inspection, EPA observed an uncovered salt storage pile at the municipal yard located approximately ten feet away from a waterbody. No best management practices to prevent contamination of stormwater were observed.

AREAS OF CONCERN

- 1. At the time of the Inspection, EPA observed an outfall pipe at the City's municipal yard. City representatives stated that they were unsure of the source of this pipe but believed that it was not functional.

CLOSING

Inspector Whalen concluded the Inspection and held a closing conference with the Site representatives. EPA discussed the preliminary noncompliance items observed and explained EPAs follow-up procedures.

ATTACHMENTS

Attachment 1- Photograph Log
Attachment 2- Inspection Photos

ATTACHMENT 1
PHOTOGRAPH LOG (Nikon Coolpix AW130)
City of New Rochelle

(Un-edited photos taken by Patrick Whalen, USEPA Region 2, September 10, 2018).

Photo Designation	Photo Description
P1010001	Outfall 27 located at New Rochelle Marina. Sediment and debris accumulation in headwall.
P1010002	Outfall 27 with debris clogging filter.
P1010003	Outfall 16 located on Church Street. Water from Outfall was cloudy.
P1010004	Upstream catch basin from Outfall 16.
P1010005	Outfall 4 located on Drake Ave. Light flow observed.
P1010006	Outfall 24 located on Stephenson Blvd./Boston Post Road. Outfall still experiencing high fecal levels.
P1010007	Upstream catch basin from outfall 24. Significant amount of sediment and debris observed.
P1010008	Outdoor salt storage observed at New Rochelle Highway Yard.
P1010009	Salt, sediment and debris at New Rochelle Highway Yard stored near water.
P1010010	Outfall pipe in New Rochelle Highway Yard with unknown source.
P1010011	Catch basin along Vally Road and Fifth Ave. Last catch basin in New Rochelle.
P1010012	Catch basin along Vally Road and Fifth Ave. Last catch basin in New Rochelle, photo 2.

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P1010001



P1010002



P1010003



P1010004



P1010005



P1010007



P1010006



P1010008



P1010009



P1010010



P1010011



P1010012